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Attorneys for defendant

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

MARLENE G. MEYER,)
)
Plaintiff,)
)
v.)
)
ARG ENTERPRISES, INC. aka STUART)
ANDERSON'S CATTLE COMPANY)
RESTAURANTS,)
)
Defendant.)
	Case 3:05-cv-00239-TMB

MOTION TO DISMISS PURSUANT TO CIVIL RULE 16(f)

The undersigned counsel, in accordance with the Pretrial Order, submitted to plaintiff a draft proposed pretrial order as well as an exhibit list and a final witness list on March 16, 2007. Exhibit A. On March 19, when these were due to the Court pursuant to the Pretrial Order in this matter, plaintiff's counsel was contacted by phone and he

stated that he was not ready to address the proposed pretrial order but would be ready to submit it by the end of the week. The undersigned informed the Court of this status.

On March 23, plaintiff's counsel again was not ready to address the pretrial order and stated that his "email was not working" and asked that the pretrial deadlines be extended for the proposed pretrial order, exhibit list and final witness list to April 6, 2007. This unopposed request was submitted by defense counsel as plaintiff's counsel was unable or unwilling to notify the Court.

On Monday, April 2, defense counsel called plaintiff's counsel to discuss the pretrial order. Plaintiff's counsel was not ready to discuss it on that date but stated that he would get back to defense counsel.

It is now 4:30 p.m. on Friday, April 6, and plaintiff's counsel has again not responded to assisting in drafting the proposed pretrial order and has not provided an exhibit list or a final witness list. Therefore, defendant asks the Court pursuant to its powers under Civil Rule 16(f) and 37(b) to see to dismiss plaintiff's case in this matter for failure to prosecute and cooperate with the pretrial order.

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DATED this 6th day of April, 2007, at Anchorage, Alaska.

RICHMOND & QUINN
Attorneys for Defendant

By: s/ William A. Earnhart

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by mail on April 6, 2007 to:

Robert J. Jurasek
PENTLARGE LAW GROUP
1400 W. Benson Blvd., Ste. 550
Anchorage, Alaska 99503

/s/ William A. Earnhart
RICHMOND & QUINN

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